

REMARKS/ARGUMENTS

Applicant gratefully acknowledges the Examiner's withdrawal of the finality of the Office Action mailed on March 1.

Applicant further appreciates the Examiner's continued thorough search and examination of the present patent application.

Related Submission

Submitted herewith is a Submission In Accordance With M.P.E.P. §713.04 summarizing the June 10, 2009 in-person interview between the applicant, applicant's attorneys and the Examiner. Applicant appreciates the Examiner's indication in the Examiner's June 15, 2009 Interview Summary form that the proposed amended claim 90 "would likely go past [the] Boe rejection."

Claim Amendments

Claims 90-173 are currently pending. Claims 90, 92, 94, 118-120, 124, 126, 141, 153-155 and 158 are amended and new claims 160-173 have been added to define applicant's invention. Claims 139 and 141 stand objected to for being exact duplicates of each other. Accordingly, applicant has amended claim 141.

Co-pending Patent Applications

The examiner should be aware that the following co-pending patent applications disclosed in an IDS relate to similar kinds of products, although the claims are clearly patentably distinct. The most recent action for these applications is listed.

11/517,114 filed September 6, 2006 (January 7, 2009 Office Action rejection)
09/756,581 filed January 8, 2001 (August 2, 2007 Office Action rejection) (Abandoned)

Applicant encourages the Examiner to review the applications and corresponding prosecution histories.

Rejections Under 35 U.S.C. §112, First Paragraph

Claims 106, 118-120, 140, 153-155, 116, 151, and 113-115 and 148-150 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement.

First Rejection Under 35 U.S.C. §112, First Paragraph

Claims 118-120, 153-155; 116, 151; 113-115; 148-150 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In particular, the grounds for this rejection were stated to be “The Examiner could not find in the Specification where the transmitting occurs before the generating, or where the steps are described as occurring at the same time or, alternatively, at different times.” Applicant respectfully traverses this rejection.

Applicant notes that, as discussed in the interview, the use of letters in the claims, such as (a) - (g) in claim 90, are provided to make the claims more readable, and are not meant to limit the claims in any sequence or order of operation. With respect to the temporal order of the steps, the Examiner is directed to page 8, lines 15-17, where the Application confirms “the invention is not limited to the precise arrangements and instrumentalities shown.” See also page 30, lines 2-3 (“the system is not limited to that particular configuration”); page 5, line 19 to page 6, line 2 (users of applicant’s system and method may “refine” their “demographic of choice” or “search” via “system provided options”) and page 10 (“re-accessing Internet site screens”). See also, page 29, lines 10-13 (demonstrating “options for configuration ... including the versatility and value of the searchable database options, and the advertising and revenue potential of an Internet site configured from aspects of the present invention”). Applicant’s disclosure explicitly and inherently provides for various ordering and combining of respective operational steps. Therefore, one skilled in the art would recognize in the written disclosure a teaching of the manner and process of making and using the invention defined in those claims.

Applicant further directs the Examiner’s attention to the reference figures and corresponding description in applicant’s specification for additional support for claims 113-116, 118-120, 148-151 and 153-155.

With regard to claims 113-116 and 148-151, applicant directs the Examiner to Figs. 10, 11A and 12, for further exemplary support. Fig. 10 illustrates an example of applicant's claims 113, 115, 148 and 151, by showing an example for determining "responsive information" including information relating to the user's search for "stuff" (e.g., preference-related information of applicant's claim 90 first demographic). The "stuff" returned that is responsive to the request for electronic information is "REVLON." Moreover, and "based on a system determination [of] user supplied data to this point" (see written specification, page 11, lines 1-2), applicant's claim 90 step (e) generated "first electronic fact information" is provided that relates to "women under 20" and is performed at substantially the same time (claim 113) and in a single operational step (claim 115). Thus, the example in Fig. 10 illustrates and demonstrates a system-affected result, based at least in part on applicant's step (c) determined electronic responsive information which is at least responsive to the received electronic request for information, and based at least in part on applicant's step (e) generated first electronic fact information, substantially at the same time and in a single operational step. The same example shown in Fig. 10 supports applicant's corresponding claims 148 and 150.

With regard to claim 114, wherein the determining and generating of steps (c) and (e), respectively, occur at different times, applicant directs the Examiner's attention to Figs. 11A and 12, wherein responsive information relating to members of "your group" (i.e., the first demographic) is determined at one time (Fig. 11A), and first electronic fact information ("Why people like PETE prefer COKE) is generated at another time (Fig. 12). The same examples shown in Figs. 11A and 12 support applicant's corresponding claim 149.

With regard to claims 116, 118-120 and 151, 153-155, applicant directs the Examiner to Figs. 7, 12 and 15, for further exemplary support. Fig. 7 illustrates an example of applicant's claim 92 "second electronic fact information that comprises information related to at least one or more of traits and preferences of [a] first demographic." In particular, the last paragraph on page 9 recites,

"FIG. 7 further illustrates a FACTOID advertisement, or flash advertisement provided in a database and user search relevant format to maintain the highest degree of relevance for the user. Linking means are also provided in this example, to the site of the advertiser who has been featured in this FACTOID deemed relevant enough to present to this Internet user, based on their

feedback through the system to this point.”

Thus, Fig. 7 illustrates applicant’s “second electronic fact information” transmitted at a first time.

Fig. 12 illustrates applicant’s claim 90 “first electronic fact information” and shows a brand (COKE), and “relates to a second demographic defined by at least a second group,” i.e., people like PETE. In the example shown in Fig. 12, applicant’s claim 90 “first electronic fact information” is determined and transmitted after applicant’s claimed 92 “second electronic fact information,” shown in Fig. 7. Referring to the specification, starting at the bottom of page 11,

FIG. 12 further illustrates a FACTOID advertisement that appears when the user selects a member from the ten, who has a profile that allows selectively relevant database information to be featured that is relevant to the user now, because the user has shown interest in a specific database member, or profile, wherein the particular preference featured in the factoid is an aspect of that member’s feedback and profile. The further option of reviewing information related to an entirely new demographic sampling, in this instance “people like Pete,” opens the option of selectively relevant data being relayed to the user having the impact of redefining the areas of search and preference curiosity for the user.”

Thus, the determined and transmitted “first electronic fact information” in Fig. 12 occurs after the “second electronic fact information” of Fig. 7.

Moreover and opposed to the example shown in Fig. 7, Fig. 15 illustrates applicant’s claim 92 “second electronic fact information” transmitted after applicant’s claim 90 “first electronic fact information.” Referring to the first paragraph on page 13,

“FIG. 15 illustrates selected results in the selected preference area, “cars,” related to the user’s originally defined demographic group of interest. Linking means to selected advertisers who appear within the overall list of preference results is demonstrated as well, providing added value to those brands over those who were listed but were not advertisers, for example.”

Thus, the example of Fig. 7 shows applicant’s claimed “second electronic fact information” being provided *before* applicant’s claimed “first electronic fact information” (Fig. 12) In the example of Fig. 15, applicant’s claimed “second electronic fact information” is provided *after* applicant’s claimed “first electronic fact information” (Fig. 12). Accordingly, applicant submits

that the specification and drawings clearly demonstrate a flexible and continuous ordering of events, such as defined in claims 113-116, 118-120, 148-151, and 153-155.

Moreover, applicant respectfully submits that the Examiner has not met his initial burden to establish a reasonable basis to question the enablement provided for claims 113-116, 118-120, 148-151, and 153-155, as set forth in MPEP §2164.04. Respectfully, the Examiner has not explained why one skilled in the art, having reviewed applicant's written disclosure and drawings, would not recognize that various procedure steps may be performed in different sequences or in combined steps.

Second Rejection Under 35 U.S.C. §112, First Paragraph

Claims 106, 140 were also rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Office Action stated "Examiner could find no example in the Applicant's Specification where no one in the first demographic is also within in the second demographic." With respect to dependent claims 106 and 140, applicant cites to page 20, starting at line 7, for support that the specification teaches that "no person within [a] first demographic is within [a] second demographic,"

"And, a young woman wondering whether to date a certain man can reference personal feedback from both women like herself and men she deems to be similar to her potential date, for broader awareness of both perspectives in decision making; whether data is product and service related, or simply selected personal and emotional feedback."

Thus, two completely separate demographics, i.e., women and men, are supported in applicant's specification, as originally filed. Further, page 12, starting at line 4 recites, "[t]he further option of reviewing information related to an *entirely new* demographic sampling" (emphasis added). A user of applicant's claimed 106 method and claim 140 system can refine their search, which would result in no person within the first demographic to be within the second demographic" as set forth in claims 106 and 140. Therefore, applicant respectfully submits that one skilled in the art would recognize how to make and use the claimed invention of applicant's dependent claims 106 and 140.

Therefore, and for the reasons set forth above, applicant respectfully submits that the specification is sufficiently full, clear, concise and exact as to enable any person skilled in the art

to make and use the invention defined in claims 106, 118-120, 140, 153-155, 116, 151, and 113-115 and 148-150. Reconsideration is requested.

Rejection under 35 U.S.C. §103(a)

Claims 90-159 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Boe, et al. (“Boe,” U.S. Patent No. 6,236,975). Applicant respectfully traverses this rejection.

Applicant’s claim 90, as amended, provides a method for “identifying and contacting individuals via a network.” “Electronic identification information” is stored in a “database” that includes “visual” and/or “audio” information representing at least one person. Moreover, “message information” that represents “at least one person” in a second demographic is received from a “user computing device operated by a first user.” This combination of features enables a user of applicant’s claim 90 to identify and contact others in the second demographic.

Applicant’s amended claims 124 and 158 contain similar patentable features.

Boe, in contrast, is concerned with different subject matter. Boe’s system with enabling customers with feedback that represents the customers’ standing in a selected peer group, in both actual or hypothetical scenarios. Boe explicitly states, “at the end of the process the customer receives feedback showing where he stands relative to his peers” (column 3, lines 5-6). Significantly, and unlike applicant’s claims 90-169, Boe does not teach, disclose or suggest enabling users to identify and contact individuals, nor does Boe store at least one of “video and audio information” representing a person, as set forth in applicant’s amended claim 90. In contrast, Boe describes an “anonymity feature” that precludes Boe’s survey system from identifying a customer by “name, address *or any other means*” (column 7, lines 62-67, emphasis added). Customers who do submit personal information in Boe’s system are assured that any identifying information is kept secret via “security features designed against unauthorized access” or ensuring that “identifying information may be immediately deleted from matching database 24” (column 8, lines 2-10). In this way, and in contradistinction to applicant’s claim 90 (and other independent claims 124 and 158), users of Boe’s system cannot identify and contact other users, as recited in step (g) of applicant’s claim 90.

For the reasons set forth above, applicant respectfully submits that features of claims 90, 124 and 158 recite features that are not taught, suggested or disclosed by Boe and are, therefore,

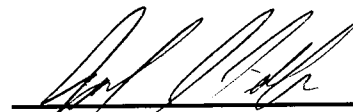
not obvious under 35 U.S.C. §103(a).

Claims 91-123, 125-157 and 159-169 depend directly or indirectly from claims 90, 124 or 158, respectively, and thus, are patentable as well as because of the combination of features in those claims with the features set forth in the claim(s) from which they depend.

Accordingly, and in view of the above-identified amendments to the claims and remarks set forth above, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE EFS
FILING SYSTEM ON July 10, 2009.

Respectfully submitted,



Joel J. Felber

Registration No.: 59,642

OSTROLENK FABER LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

DAM:JJF:ck